

REMARKS

I. INTRODUCTION

Claim 7 has been amended. Support for this amendment can be found at least at Fig. 3 of the specification. Thus, claims 5-7 remain pending in the present application. No new matter has been added. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 5-7 stand rejected under 35 U.S.C. §112, second paragraph, for being indefinite. Specifically, the Examiner states the term “U-shaped” is indefinite because “the distal end of the legs or sides of the spring 55 are bent inwardly and do not concur with a U-shaped configuration.” (See 8/24/09 Office Action, p. 2). In view of the amendment to claim 7, which was suggest by the Examiner, the withdrawal of this rejection is respectfully requested.

III. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 5-7 stand rejected under 35 U.S.C. §102(b) for being anticipated by Caster (U.S. Patent No. 2,025,972).

Claim 7 has been amended to recite, “[a] personal care apparatus, comprising: a hair trimmer; a main part and a head part, the main part being adapted to be held in one hand and having a region adjacent the head part, wherein the head part is connected to the main part in the region of the main part that is adjacent the head part and the entire head part is pivotable relative to the main part about an axis of pivot; a personal care tool provided on the head part and comprising a toothed cutting mechanism that has at least one drivable toothed blade; *a spring of a U-shaped configuration has a cross-member connected to the head part and two sides having distal ends bent inwards co-operating with at least one position extension connected to the main part in the region of each of its two sides*, wherein the spring acts between the head part and the main part, and the head

part is pivotable by the spring in synchronization with varying displacing forces that act on the head part in the course of a personal care process, and *wherein the head part is adapted for positioning by the spring in a defined rest position relative to the main part when there are no displacing forces present.*

Caster discloses a hair-cutting device that includes a comb (1) that receives a cutter bar (4). (See Caster, col. 1, ll. 45-53). The device performs a hair cutting action by allowing the cutter bar to reciprocate and the comb to remain stationary. (See Id., col. 2, ll. 41-46). Caster discloses that the comb and bar assembly is coupled to a power unit (A) by means of two spring arms (14). (See Id., ll. 20-24). The Examiner refers to these spring arms to meet the claimed U-shaped spring. (See 8/24/09 Office Action, p. 3). However, these spring arms cannot possibly be a U-shaped spring since they are, in fact, two separate elements. Since Caster's device uses two separate spring arms, then it would be impossible for *a cross-member connected to the head part* to exist. Accordingly, Caster fails to disclose or suggest, "*a spring of a U-shaped configuration has a cross-member connected to the head part and two sides having distal ends bent inwards co-operating with at least one position extension connected to the main part in the region of each of its two sides,*" as recited in claim 7.

Furthermore, the Examiner states that Caster discloses *the head part is adapted for positioning by the spring in a defined rest position relative to the main part when there are no displacing forces present.* (See 8/24/09 Office Action, p. 3). Applicants respectfully disagree. The Examiner's contention is not supported by the Caster disclosure. In fact, Caster only discloses that by "having the device pivotally connected with the power unit it can be turned to various positions and this adjustment of the device will not interfere with this operation by the unit owing to the rounded head 16 engaging a notch 8." (See Caster, col. 2, ll. 46-50). This disclosure only shows that the comb and cutter bar assembly can be moved in an arc. (See Id., ll. 51-52). However, there is no disclosure by Caster that the comb and cutting bar assembly is adapted for positioning by the spring arms in a defined rest position relative to the power unit when there are no displacing forces present. Not only is there no disclosure of such a characteristic, but the

Caster device would not be able to perform such a task because the ends of the cutter bar (4) “are provided with the pintles 13 which extend into the notches 2 and act as journals for the spring arms 14 that are attached one at each side of the power unit A.” (See Id., ll. 21-24). Although this coupling provides means for rotation, the spring arms (14) do not adapt the comb and cutter bar assembly for positioning “*in a defined rest position relative to the main part when there are no displacing forces present,*” as recited in claim 1.

Thus, Applicants respectfully submit that claim 7 is allowable over Caster. Because claims 5 and 6 depend from and, therefore, contain all of the limitations of claim 7, it is respectfully submitted that these claims are also allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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